IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5971 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VISNAGAR CO.OP. BANK LTD.

Versus

HASMUKHLAL D BRAHMBHATT

Appearance:

1. Special Civil Application No. 5971 of 1992

MR DG CHAUHAN for Petitioner No. 1

..... for Respondent No. 1

MR AR MAJMUDAR for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 02/12/2004

ORAL JUDGEMENT

1. The petitioner Bank by way of this petition has

challenged the order of the Gujarat State Co-operative Tribunal passed in Appeal No.141 of 1990, whereby the Tribunal had dismissed the Appeal and confirmed the order of the Board of Nominees dated 23/04/1990 passed in Lavad Suit No.2405 of 1983.

2. I have heard learned counsel for the parties and perused the relevant documents on record. While dismissing the suit of the plaintiff Bank for recovery of the suit claim against defendants no.2 & 3, the Board of Nominees had dealt with all the contentions raised by the plaintiff Bank, as is evident from its observations in para 8 of its decision. The Tribunal, while confirming the findings arrived at by the Board of Nominees, has rightly come to the conclusion that Opponents No.2 & 3 could not be considered to be Members of the Bank from the date when they applied to become the Member of the Bank and that they could be considered to be the Members of the Bank only from the date when they were enrolled by the Resolution passed by the petitioner Bank.

3. Therefore, in view of the concurrent findings by both the authorities below, this Court is not inclined to disturb the findings of both the Courts. Hence, the petition is dismissed. Rule is discharged with no order as to costs.

(K. S. Jhaveri, J.)

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